

Notice of Allowability

Application No.

09/645,460

Applicant(s)

KAMATH ET AL.

Examiner

Timothy M. Brown

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of November 19, 2004; and Telephonic Interview of February 3, 2005.
2. ☒ The allowed claim(s) is/are 1-45.
3. ☒ The drawings filed on 24 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-418),
Paper No./Mail Date 4/3/05
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan W. Young on February 3, 2005.

Amend claim 16 by adding the following underlined text:

"a plurality of processes spawned and executed by said at least one processor, the processes including logic for:"

REASONS FOR ALLOWANCE

The following is a statement of the Examiner's reasons for allowance:

With respect to claim 1, the prior art of record neither teaches nor fairly suggests a computer-implemented method of processing a purchase request comprising receiving a first purchase request, retrieving pre-stored information about the customer, generating a first quote that includes an identification of the first item and the retrieved information, allowing modifications to be made to the first quote, the first quote lasting until a consolidation interval has elapsed, and launching a quote conversion process that is configured to determine whether the first quote has remained unmodified during the consolidation interval, and converting the first quote

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to an executable order when the quote conversion process determines that the first quote has remained unmodified during the consolidation interval.

Claim 1 was rejected for being anticipated by U.S Patent No. 6,629,079 B1 to Spiegel et al.. As Applicants correctly note, Spiegel et al. neither teach nor fairly suggest the following steps:

[L]aunching a quote conversion process, the quote conversion process being configured to determine whether the first quote has remained unmodified at least for the consolidation interval; [and] converting the first quote to a first executable order responsive to the launching step when the quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval.

Although Spiegel et al. disclose converting a first order into an executable order at the end of a consolidation interval (see e.g. col. 6, lines 29-39), they do not teach converting the first order into an executable order based on the absence of modifications during the consolidation interval. Spiegel et al.'s first order is converted to an executable order regardless of whether or not the first order is modified.

Spiegel et al. also fail to anticipate or suggest claims 16 and 31. Independent claim 16 is drawn to a computer system for executing the method of claim 1. Independent claim 31 is drawn to a machine-readable medium having instructions for carrying out the method of claim 1. Both claim 16 and claim 31 require computer instructions that perform the launching and converting steps of claim 1. Because Spiegel et al.'s computer system is not configured to perform the launching and converting steps of claim 1, Spiegel et al. cannot teach computer instructions for

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performing these steps. Accordingly, Spiegel et al. fail to anticipate or suggest claims 16 and 31.

EXAMINER'S COMMENT

PCT Application WO 99/21076 by Kreynin is relevant to Applicants' invention. Kreynin describes a processor having a waiting algorithm that triggers a message to be sent to a computer user while the user's computer is occupied with processing a task (see e.g. abstract, lines 16-18). Unlike Applicants' invention, Kreynin does not teach or fairly suggest converting an order into an executable order based on a consolidation interval. Thus, Applicants' invention is neither taught nor suggested by Kreynin.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy M. Brown
Examiner
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